IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 16976 OF 2007(U)

PETITIONER:

MADATHIL PUTHIYAPURAYIL MAMMOOTTY HAJI,
S/O MOOSA HAJI, AGED 64 YEARS, AGRICULTURIST,
'BUSHRA MANZIL', VAYANTHODE, MATTANNUR,
P.O.MATTANNUR, THALASSERY TALUK.

BY ADV. SRI.K.V.PAVITHRAN
SRI.M.P.JAYANANDAN

RESPONDENTS:

1. CIRCLE INSPECTOR OF POLICE, MATTANNUR,
MATTANUR CIRCLE, P.O.MATTANNUR, THALASSERY TALUK.

2. KERALA STATE REPRESENTED BY THE
DISTRICT COLLECTOR, KANNUR DISTRICT,
P.O.KANNUR.

3. THE TAHSILDAR, THALASSERY TALUK,
P.O.THALASSERY.

4. THE VILLAGE OFFICER,
PAZHASSI VILLAGE, P.O.PAZHASSI.

5. STATE OF KERALA REPRESENTED BY THE
SECRETARY, REVENUE DEPARTMENT,
THIRUVANANTHAPURAM.

GOVT. PLEADER SRI. P.A. SALIM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

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W.P.(C) NO. 16976 OF 2007

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DATED THIS, THE 5TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

According to the petitioner, he is the absolute owner of the plaint B schedule property in O.S. 240/1991 on the file of the Munsiff Court, Kuthuparamba and a declaration of title was made in his favour in the said suit, which has become final. It is also stated that Respondents 2 to 4 are defendants in the said suit and therefore, they are bound by the said decree. While so, Ext.P5 notice is issued to the petitioner by the police, alleging that he has encroached upon a portion of the property in R.S. No. 33/1. According to the petitioner when there is a binding decree, instead of taking recourse to the ordinary law, police should not have issued a notice and according to him, Ext.P5 is illegal.

2. When the matter was taken up for consideration, the learned Government Pleader sought permission to withdraw Ext.P5 with liberty to take appropriate steps in accordance with law. In view of the above, there

cannot be any further proceedings pursuant to Ext.P5. However, this will not stand in the way of the authorities seeking recourse to the provisions of law.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-